

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**ORDER RE: MOTIONS FOR
RECONSIDERATION AND MOTION
TO SCHEDULE A CASE
MANAGEMENT CONFERENCE**

This Order Relates To:
MDL Dkt. Nos. 5579, 5758, 5870, 5922

This Order addresses several outstanding matters in the bondholders’ action that is part of the above-captioned MDL.

1. Lead Plaintiff’s Motion for Reconsideration

The Court previously granted Lead Plaintiff’s motion for leave to file a motion for reconsideration of the Court’s Order that denied Lead Plaintiff’s motion to amend the complaint to add insider trading claims under Sections 10(b) and 20A of the Securities Exchange Act of 1934. (*See* MDL Dkt. No. 5521 (order granting leave); MDL Dkt. No. 5339 (order denying motion to amend the complaint).) Now pending is Lead Plaintiff’s motion for reconsideration. (MDL Dkt. No. 5579.)

Having reviewed the motion and the authorities cited therein, as well as Defendants’ opposition and Lead Plaintiff’s reply, the Court DENIES the motion. Lead Plaintiff has not cited to any controlling authority that is in direct conflict with the Court’s prior holding that the proposed insider trading claims would be immediately subject to dismissal under the facts alleged. Defendants’ motion for leave to file a sur-reply in opposition to Lead Plaintiff’s motion for reconsideration (MDL Dkt. No. 5758) is also DENIED.

2. Defendants’ Motion for Leave to File a Motion for Reconsideration

Defendants have moved for leave to file a motion for reconsideration of the Court’s Order

1 that denied their motion to dismiss the second amended complaint for failure to allege direct
2 reliance. (*See* MDL Dkt. No. 5922 (motion for leave); MDL Dkt. No. 5339 (order denying motion
3 to dismiss).) The arguments that Defendants make in support of reconsideration are fact based and
4 will be resolved best at a later stage in the litigation. The motion for leave to file a motion for
5 reconsideration is therefore DENIED.

6 3. Motion to Schedule a Case Management Conference

7 The Court has reviewed the parties' joint case management statement (MDL Dkt. No.
8 5909) and hereby adopts in full Defendants' proposed schedule for future litigation in this action.
9 Lead Plaintiff's administrative motion to schedule a case management conference (MDL Dkt. No.
10 5870) is DENIED.

11 **IT IS SO ORDERED.**

12 Dated: February 27, 2019



CHARLES R. BREYER
United States District Judge